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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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INTEL CORPORATION  
6  
7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**JCS**

**CV 08**

**4608**

11 INTEL CORPORATION, a Delaware  
corporation,

12  
13 Plaintiff,

14 vs.

15 GAAH Inc., a California corporation,

16 Defendant.  
17

Case No.

**COMPLAINT FOR TRADEMARK  
INFRINGEMENT, DILUTION, UNFAIR  
COMPETITION, DAMAGES AND  
INJUNCTIVE RELIEF**

**DEMAND FOR JURY TRIAL**

18 Plaintiff Intel Corporation ("Intel") alleges as follows:

19 1. This action arises from unauthorized use of the trade name and service mark  
20 AUTOINTEL, and domain name www.autointel.com, by defendant GAAH Inc., a California  
21 corporation, doing business as AutoIntel ("AutoIntel").

22 2. By using a trade name and service mark that wholly incorporates and emphasizes the  
23 world famous INTEL® trademark, AutoIntel is causing and/or is likely to cause confusion leading  
24 consumers to believe that there is an association between Intel and AutoIntel, or that AutoIntel is  
25 sponsored or affiliated with, or licensed by Intel. In addition, AutoIntel's acts are causing, and/or are  
26 likely to cause, dilution of the INTEL® trademark. Consequently, Intel seeks injunctive relief and  
27 damages under the federal Lanham Act (15 U.S.C. §§ 1051, *et seq.*), the California Business and  
28

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

1 Professions Code, and the common law doctrines of passing off and unfair competition and  
2 cancellation of AutoIntel's United States federal trademark registration under the Lanham Act (15  
3 U.S.C. § 1119).

#### 4 **I. JURISDICTION**

5 3. This Court has personal jurisdiction over AutoIntel because, on information and belief,  
6 it conducts or has conducted business in the State of California and within this judicial district.

7 4. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C.  
8 §§ 1331, 1338 and 1367. Intel's claims are, in part, based on violations of the Lanham Act, as  
9 amended, 15 U.S.C. §§ 1051, *et seq.* The Court has jurisdiction over the state law claims pursuant to  
10 28 U.S.C. §§ 1332, 1338(b), and 1367.

#### 11 **II. INTRADISTRICT ASSIGNMENT**

12 5. This is an intellectual property action and therefore shall be assigned on a district-wide  
13 basis per Civil L.R. 3-2(c).

#### 14 **III. THE PARTIES**

15 6. Plaintiff Intel is a Delaware corporation having its principal place of business at 2200  
16 Mission College Boulevard, Santa Clara, California. Intel offers a wide variety of goods and services,  
17 which are sold worldwide and throughout the United States, including in the Northern District of  
18 California.

19 7. Upon information and belief, Defendant AutoIntel does business under the registered  
20 corporate name of GAAH Inc. and is a California corporation with a principal place of business at  
21 13636 Ventura Boulevard, Suite 225, Sherman Oaks, California. AutoIntel operates a website at  
22 [www.autointel.com](http://www.autointel.com) and is a nationwide vehicle sales and leasing and corporate fleet management firm  
23 operating under the trade name and service mark AUTOINTEL. Upon information and belief,  
24 AutoIntel has provided services to and continues to target consumers in this district.

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1 **IV. INTEL'S BUSINESS AND MARKS**

2 8. Intel is a world-famous company that develops, manufactures and sells a wide variety of  
3 computer, communications and Internet-related products and services. Intel's customers include  
4 individual consumers, businesses, schools, and the government.

5 9. Intel's technology and services play a role in virtually every industry. Intel frequently  
6 provides technology solutions to businesses in the automotive industry. For example, automotive  
7 designers use Intel technology for power train control, anti-lock braking/vehicle dynamics control, and  
8 in-vehicle networking. Intel technology is also used for automotive casting simulations and for on-line  
9 management of the automotive parts procurement and supply chain. It has partnered with companies,  
10 such as Harman/Becker, to create in-vehicle infotainment systems. Intel has also worked with car  
11 companies, such as Volkswagen, to create open standards for mobile to automobile communications.

12 10. Intel has continuously offered and sold products and services since at least as early as  
13 1969 under the company name and trademark INTEL, long prior to AutoIntel's use of its service mark  
14 and trade name. For 40 years, Intel has used INTEL as a trade name, trademark and service mark to  
15 identify virtually its entire line of products and services. INTEL is one of the most valuable, respected  
16 and famous names and trademarks in the world. Indeed, *The Wall Street Journal* has regularly  
17 recognized the INTEL mark as one of America's most valuable brand names. From 1995 to 2000,  
18 *Fortune* magazine recognized Intel as one of the top ten "Most Admired Corporations in America," an  
19 honor Intel has shared alongside such companies as General Electric, Microsoft and Coca-Cola. In  
20 2008, the INTEL brand was ranked seventh in the world in Interbrand's Best Global Brands survey,  
21 with an estimated value of \$31 billion.

22 11. Intel uses INTEL as its "house mark" on or in connection with virtually every product  
23 and service it sells. Intel also regularly uses its INTEL house mark in conjunction with hundreds of  
24 other terms as the names of particular products or services, and in advertisements that span nearly  
25 every type of media. Thus, consumers are accustomed to seeing the INTEL mark combined with other  
26 terms to identify products and services that originate from Intel or its licensees. Intel engages in  
27 massive international advertising campaigns promoting the INTEL mark, spending many millions of  
28

1 dollars on this effort, and consequently, exposing consumers to billions of commercial impressions of  
2 its trademark. In 2007 alone, Intel sold over \$38.3 billion of INTEL branded products and services  
3 and, in the last twelve years, Intel has sold over \$364 billion of products and services under the INTEL  
4 name and mark.

5 12. Intel is the owner of numerous U.S. trademark registrations for the mark INTEL,  
6 including the following:

7 a. Intel is the owner of U.S. Trademark Registration Nos. 914,978 and 938,772 issued  
8 on June 15, 1971 and July 25, 1972, respectively, for the mark INTEL for use in connection with  
9 integrated circuits, registers and semiconductor memories and equipment for the testing and  
10 programming thereof. These registrations, duly and legally issued by the United States Patent and  
11 Trademark Office, are valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the  
12 notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. Copies of these  
13 registrations are attached hereto as Exhibits A and B.

14 b. Intel is the owner of U.S. Trademark Registration No. 939,641 issued on August 1,  
15 1972 for the mark INTEL for use in connection with integrated circuits, registers, and semiconductor  
16 memories. This registration, duly and legally issued by the United States Patent and Trademark  
17 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
18 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
19 attached hereto as Exhibit C.

20 c. Intel is the owner of U.S. Trademark Registration No. 1,022,563, issued on October  
21 14, 1975, for the mark INTEL for use in connection with microcomputers, microcontrollers, and  
22 microprocessors. This registration, duly and legally issued by the United States Patent and Trademark  
23 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
24 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
25 attached hereto as Exhibit D.

26 d. Intel is the owner of U.S. Trademark Registration No. 1,573,324, issued on  
27 December 26, 1989, for the mark INTEL for use in connection with printed material, namely, technical  
28

1 manuals, pamphlets, user and product manuals, all of which relate to the field of information and data  
2 technology and semiconductor devices. This registration, duly and legally issued by the United States  
3 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.  
4 Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy  
5 of this registration is attached hereto as Exhibit E.

6 e. Intel is the owner of U.S. Trademark Registration No. 1,723,243, issued on  
7 October 13, 1992, for the mark INTEL for use in connection with metal key rings, watches, note paper,  
8 note cards, posters, microprocessor chip die plot prints as art prints, pencils, ball point pens, ink pens  
9 and stationery folders; plastic key chain tags; mugs and water bottles sold empty, jigsaw puzzles, golf  
10 balls, golf tees and golf ball markers. This registration, duly and legally issued by the United States  
11 Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065.  
12 Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy  
13 of this registration is attached hereto as Exhibit F.

14 f. Intel is the owner of U.S. Trademark Registration No. 1,725,692, issued on  
15 October 20, 1992, for the mark INTEL for use in connection with, among other things, sports bags,  
16 gym bags and carry-on bags; towels, and clothing. This registration, duly and legally issued by the  
17 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15  
18 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. §  
19 1111. A copy of this registration is attached hereto as Exhibit G.

20 g. Intel is the owner of U.S. Trademark Registration No. 2,171,778, issued on July 7,  
21 1998, for the mark INTEL for use in connection with, among other things, computer operating system  
22 software, computer hardware, integrated circuits, integrated circuit chips, microprocessors, printed  
23 circuit boards, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia  
24 accelerators, video processors, computer hardware and software for the development, maintenance, and  
25 use of interactive audio-video computer conference systems, and computer hardware and software for  
26 the receipt, display and use of broadcast video, audio and data signals. This registration, duly and  
27 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable  
28

1 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant  
2 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit H.

3           h. Intel is the owner of U.S. Trademark Registration No. 2,194,121 issued on  
4 October 6, 1998, for the mark INTEL for use in connection with, among other things, printed  
5 materials, namely, books, magazines, newsletters, journals, operating manuals, users guides,  
6 pamphlets, and brochures about, for use with and directed to users of, computer operating system  
7 software; computer operating programs; computer system tools; computer application software;  
8 computer hardware; computer components; integrated circuits; microprocessors; computer memory  
9 devices; video graphic accelerators; multimedia accelerators; video processors; and fax/modems. This  
10 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,  
11 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”  
12 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as  
13 Exhibit I.

14           i. Intel is the owner of U.S. Trademark Registration No. 2,251,962 issued on June 8,  
15 1999, for the mark INTEL for use in connection with clocks, jewelry, cuff links, key chains, necklaces,  
16 necktie fasteners, lapel pins, pendants, piggy banks, trophies and watches. This registration, duly and  
17 legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable  
18 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant  
19 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit J.

20           j. Intel is the owner of U.S. Trademark Registration No. 2,251,961 issued on June 8,  
21 1999, for the mark INTEL for use in connection with binders, bookends, boxes for pens, calendars,  
22 tablets, note cards, self-adhesive pads, desk pads, and calendar pads, pens, pencils, folders,  
23 paperweights, pen and pencil holders, photograph stands, erasers, markers, desk sets, and desk  
24 organizers. This registration, duly and legally issued by the United States Patent and Trademark  
25 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
26 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
27 attached hereto as Exhibit K.



1 k. Intel is the owner of U.S. Trademark Registration No. 2,250,491 issued on June 1,  
2 1999, for the mark INTEL for use in connection with travel bags, luggage, school bags, back packs,  
3 beach bags, duffel bags, fanny packs, and umbrellas. This registration, duly and legally issued by the  
4 United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15  
5 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. §  
6 1111. A copy of this registration is attached hereto as Exhibit L.

7 l. Intel is the owner of U.S. Trademark Registration No. 2,254,525 issued on June 15,  
8 1999, for the mark INTEL for use in connection with T-shirts, shirts, jackets, headwear, hats, polo  
9 shirts, and infant rompers. This registration, duly and legally issued by the United States Patent and  
10 Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the  
11 notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this  
12 registration is attached hereto as Exhibit M.

13 m. Intel is the owner of U.S. Trademark Registration No. 2,261,531 issued on  
14 July 13, 1999, for the mark INTEL for use in connection with toys, dolls, bean bags, and Christmas  
15 tree ornaments. This registration, duly and legally issued by the United States Patent and Trademark  
16 Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
17 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
18 attached hereto as Exhibit N.

19 n. Intel is the owner of U.S. Trademark Registration No. 2,276,580 issued on  
20 September 7, 1999 for the mark INTEL for use in connection with mugs and sports bottles. This  
21 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,  
22 subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”  
23 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as  
24 Exhibit O.

25 o. Intel is the owner of U.S. Trademark Registration No. 2,446,693, issued on  
26 April 24, 2001, for the mark INTEL for use in connection with, among other things, computers,  
27 computer hardware, software for use in operating and maintaining computer systems, microprocessors,  
28

1 integrated circuits, computer chipsets, computer motherboards, computer graphics boards, and  
2 computer networking hardware. This registration, duly and legally issued by the United States Patent  
3 and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses  
4 the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this  
5 registration is attached hereto as Exhibit P.

6 p. Intel is the owner of U.S. Trademark Registration No. 2,462,327, issued on June 19,  
7 2001, for the mark INTEL for use in connection with, among other things, computer hardware and  
8 software for use in imaging and photographic applications. This registration, duly and legally issued  
9 by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15  
10 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.  
11 § 1111. A copy of this registration is attached hereto as Exhibit Q.

12 q. Intel is the owner of U.S. Trademark Registration No. 2,585,551, issued on June 25,  
13 2002, for the mark INTEL for use in connection with, among other things, computer hardware  
14 installation and repair services; arranging and conducting educational conferences and seminars in the  
15 fields of computers, telecommunications, and computer networking, and distributing course materials  
16 in connection therewith; development, publishing and dissemination of educational materials in the  
17 fields of computers, telecommunications and computer networking for others; interactive and non-  
18 interactive computer education training services; providing information via global computer network  
19 in the fields of education and entertainment; provision of interactive and non-interactive electronic  
20 information services on a wide variety of topics; development of local and wide area computer  
21 networks for others; computer web site design services; computer software design for others;  
22 development of interactive and non-interactive web pages for the global computer network for others;  
23 providing on-line newspapers, magazines, instructional manuals in the fields of technology,  
24 entertainment, education and business; and development, maintenance, and provision of interactive and  
25 non-interactive electronic bulletin boards services in the fields of entertainment and education. This  
26 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and  
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1 subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.  
2 § 1111. A copy of this registration is attached hereto as Exhibit R.

3           r. Intel is the owner of U.S. Trademark Registration No. 2,742,174, issued on July 29,  
4 2003, for the mark INTEL for use in connection with, among other things, installation, repair,  
5 maintenance, support and consulting services for computer-related and communications-related goods;  
6 providing on-line publications, namely, books, brochures, white papers, catalogs and pamphlets in the  
7 fields of computer and information technology; and designing and developing standards for others in  
8 the design and implementation of computer software, computer hardware and telecommunications  
9 equipment. This registration, duly and legally issued by the United States Patent and Trademark  
10 Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant  
11 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit S.

12           s. Intel is the owner of U.S. Trademark Registration No. 3,029,954, issued on  
13 December 13, 2005, for the mark INTEL for use in connection with, among other things,  
14 semiconductor and microprocessor cartridges; internet and web servers; internet and web caching  
15 servers; wireless and remote computer peripherals; computer hardware and software for enabling web  
16 portals; computer hardware and software for digital encryption, identification and certification;  
17 computer hardware and software to enable remote encrypted networking; computer hardware and  
18 software to enable secure data transmission via networks, the internet and world wide web; and  
19 computer consultation services, namely, web design and development services. This registration, duly  
20 and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses  
21 the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this  
22 registration is attached hereto as Exhibit T.

23           t. Intel is the owner of U.S. Trademark Registration No. 3,136,102, issued on  
24 August 29, 2006, for the mark INTEL for use in connection with telecommunication services, namely,  
25 electronic and digital transmission of data, documents, audio and video via computer terminals. This  
26 registration, duly and legally issued by the United States Patent and Trademark Office, is valid and  
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1 subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.  
2 § 1111. A copy of this registration is attached hereto as Exhibit U.

3           u. Intel is the owner of U.S. Trademark Registration No. 3,173,391, issued on  
4 November 21, 2006, for the mark INTEL for use in connection with telecommunications consulting  
5 services. This registration, duly and legally issued by the United States Patent and Trademark Office,  
6 is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15  
7 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit V.

8           13. In addition to using INTEL as a trade name, a trademark, and a service mark, Intel also  
9 owns a large family of marks that incorporate INTEL as a prominent component of the mark. For  
10 example, in 1991, Intel developed and launched a cooperative advertising and licensing program  
11 referred to as the “Intel Inside® Program.” As part of this program, Intel adopted and began to use the  
12 trademarks INTEL INSIDE and INTEL INSIDE & SWIRL Logo (collectively referred to as the  
13 “INTEL INSIDE Marks”) and licensed those marks to OEMs (“Original Equipment Manufacturers”)  
14 to communicate to the end consumer that the manufacturers’ products, such as personal desktop  
15 computers, laptop computers and workstations, were designed with genuine Intel microprocessors.  
16 The INTEL INSIDE mark became a badge of innovation and quality – hallmarks of Intel – to allow  
17 consumers to distinguish between products.

18           14. Among Intel’s many thousands of OEM licensees worldwide are giants of the computer  
19 industry such as Dell, Gateway, Hewlett-Packard, IBM, and Sony. It is estimated that Intel’s OEM  
20 licensees sold many billions of dollars worth of computer products bearing the INTEL INSIDE Marks.  
21 The combined advertising expenditure by Intel and Intel’s licensees under the INTEL INSIDE Marks  
22 has averaged over one billion dollars for each of the last few years. Through extensive advertising and  
23 promotion by Intel and its licensees, advertisements reflecting the INTEL and INTEL INSIDE Marks  
24 have most likely created billions of impressions upon the general consuming public.

25           15. Intel is the owner of numerous U.S. trademark registrations for the INTEL INSIDE  
26 Marks, including Reg. No. 1,705,796 and Reg. No. 2,179,209. Copies of these registrations are  
27 attached hereto as Exhibits W and X.

1           16. Intel owns many other U.S. trademark registrations for its family of INTEL formative  
2 marks. These include: INTEL SPEEDSTEP, INTEL NETBURST, INTEL VIIV, and INTEL CORE.  
3 Copies of these registrations are attached hereto as Exhibits Y through BB.

4           17. Intel is also the owner of several California trademark registrations for the mark INTEL  
5 (CA Reg. No. 63565; CA Reg. No. 94220; CA Reg. No. 94221). Copies of these registrations are  
6 attached hereto as Exhibits CC through EE.

7           18. Through decades of extensive use and promotion, Intel also owns common law  
8 trademark rights in INTEL and its family of INTEL formative marks, for all of the goods and services  
9 and activities identified herein.

10           19. Intel maintains an Internet site on the World Wide Web at the address  
11 <http://www.intel.com>. Intel's web site features the INTEL marks and many other INTEL composite  
12 marks.

13           20. As a result of the extensive sales, advertising, promotion, and use of the INTEL and  
14 family of INTEL trademarks, Intel has developed enormous recognition for its INTEL branded  
15 products and services, and enjoys an immensely valuable reputation and tremendous goodwill under  
16 the mark. The INTEL mark is world renowned, and is a "famous" mark for purposes of 15 U.S.C.  
17 § 1125(c)(1).

18 **V. AUTOINTEL'S BUSINESS AND ITS VIOLATIONS OF INTEL'S RIGHTS**

19           21. Intel is informed and believes that AutoIntel offers nationwide vehicle sales and leasing  
20 and corporate fleet management services to customers across the United States, including throughout  
21 the State of California, and maintains a website at <http://www.autointel.com>. AutoIntel offers these  
22 services under the AUTOINTEL mark and trade name in California and throughout the United States.

23           22. AutoIntel uses the name and mark "AutoIntel" in marketing, often separating the  
24 AUTO and INTEL elements by capitalizing the letter "A" in Auto and "I" in Intel, and also by using  
25 contrasting colors. In so doing, AutoIntel accentuates the world-famous and distinctive INTEL portion  
26 of the mark. The AUTOINTEL mark has as its prefix the generic term "auto," which is descriptive of  
27 AutoIntel's services; thus, the INTEL element is the only distinctive portion of the mark.  
28

1           23. Intel is informed and believes that AutoIntel is the owner of United States federal  
2 trademark registration for AI AUTOINTEL DRIVEN BY INTELLIGENCE & Design (Reg. No.  
3 3070278) ("AUTOINTEL & Design Mark"). AutoIntel applied for the AUTOINTEL & Design Mark  
4 on August 18, 2004, well after Intel's INTEL mark and family of INTEL composite marks became  
5 famous and world-renown.

6           24. Given the strong similarities between the INTEL and AUTOINTEL names and marks,  
7 the use of Intel's technology solutions in the automotive industry, and the strength and fame of Intel's  
8 marks, AutoIntel's customers are likely to be confused as to the source and nature of AutoIntel's  
9 services, or are likely to believe that AutoIntel is somehow affiliated or sponsored or endorsed by Intel,  
10 when in fact no such affiliation, association, sponsorship, or endorsement exists.

11           25. Despite Intel's numerous attempts to resolve the dispute amicably, AutoIntel has  
12 persisted in using the AUTOINTEL trade name and service mark, leaving Intel no choice but to file  
13 this Complaint.

14  
15                                   **FIRST CAUSE OF ACTION**  
16                                   **TRADEMARK INFRINGEMENT**  
  **(15 U.S.C. § 1114)**

17           26. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
18 1 through 25 of this Complaint.

19           27. Upon information and belief, AutoIntel was aware of Intel's business and its INTEL  
20 mark prior to the adoption and use of the AUTOINTEL trade name and service mark.

21           28. AutoIntel either had actual notice and knowledge, or had constructive notice, of Intel's  
22 ownership and registrations of the INTEL mark pursuant to 15 U.S.C. § 1072 prior to AutoIntel's  
23 adoption and use of the AUTOINTEL trade name and service mark.

24           29. Upon information and belief, AutoIntel without Intel's consent deliberately adopted the  
25 AutoIntel trade name and service mark in connection with the sale of its services in an attempt to trade  
26 on the enormous goodwill, reputation, and selling power established by Intel under the INTEL mark  
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1           30.     AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark falsely  
2 indicates to consumers that AutoIntel's services are in some manner connected with, sponsored by,  
3 affiliated with, or related to Intel, Intel's licensees, or the goods and services of Intel and Intel's  
4 licensees.

5           31.     AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark is also  
6 likely to cause consumers to be confused as to the source and nature of the services AutoIntel is  
7 promoting or selling.

8           32.     AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark in  
9 connection with its services allows, and will continue to allow, AutoIntel to receive the benefit of the  
10 goodwill established at great labor and expense by Intel and to gain acceptance of AutoIntel's services,  
11 not based on the merits of those goods or services, but on Intel's reputation and goodwill which are  
12 instantly recognizable..

13           33.     AutoIntel is likely to cause confusion, or to cause mistake, or to deceive consumers or  
14 potential consumers in violation of 15 U.S.C. § 1114.

15           34.     Intel has been, is now, and will be irreparably injured and damaged by AutoIntel's  
16 trademark infringement, and unless enjoined by the Court, Intel will suffer further harm to its name,  
17 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at  
18 law.

19  
20                   **SECOND CAUSE OF ACTION**  
21                   **FALSE DESIGNATION OF ORIGIN**  
                    **(15 U.S.C. § 1125(A))**

22           35.     Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
23 1 through 34 of this Complaint.

24           36.     AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark falsely  
25 suggests that its services are connected with, sponsored by, affiliated with, or related to Intel, and  
26 constitutes a false designation of origin in violation of 15 U.S.C. § 1125(a).

38. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 37 of this Complaint.

39. The INTEL mark is world-renowned. It is a famous mark that is widely recognized by consumers, businesses and industry, and that identifies the products and services of Intel in the minds of consumers.

40. AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark began after Intel's mark had become famous.

41. AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark has, and will continue to have, an adverse effect upon the value and distinctive quality of the INTEL mark. AutoIntel's acts blur and whittle away at the distinctiveness and identity-evoking quality of the INTEL mark. AutoIntel's acts have diluted and are likely to continue diluting the famous INTEL mark in violation of 15 U.S.C. § 1125(c).

42. Intel has been, is now, and will be irreparably injured and damaged by AutoIntel's aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name, reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

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**FOURTH CAUSE OF ACTION  
INJURY TO BUSINESS REPUTATION AND  
DILUTION UNDER CALIFORNIA LAW  
(CAL. BUS. & PROF. CODE §14247)**

43. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 42 of this Complaint.

44. AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark is likely to injure Intel's business reputation, and has diluted, and/or is likely to dilute, the distinctive quality of the INTEL mark and trade name in violation of the California Business and Professions Code §14247.

45. AutoIntel willfully intended to trade on Intel's image and reputation and to dilute the INTEL trademark, acted with reason to know, or was willfully blind as to the consequences of its actions.

46. AutoIntel's wrongful acts have caused and will continue to cause Intel irreparable harm. Intel has no adequate remedy at law for AutoIntel's dilution.

47. Intel is therefore entitled to a judgment enjoining and restraining AutoIntel from engaging in further acts of dilution pursuant to California Business and Professions Code § 14247.

**FIFTH CAUSE OF ACTION  
INFRINGEMENT UNDER CALIFORNIA LAW  
(CAL. BUS. & PROF. CODE § 14245)**

48. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 47 of this Complaint.

49. AutoIntel's unauthorized use of the AUTOINTEL trade name and service mark in connection with the sale, offering for sale, distribution or advertising of its products and services is likely to cause confusion or mistake or to deceive as to the source or origin of its goods and/or services in violation of California Business and Professions Code § 14245.

50. Upon information and belief, AutoIntel's infringement has been with knowledge of Intel's rights.



**EIGHTH CAUSE OF ACTION  
CANCELLATION OF REGISTRATION  
(15 U.S.C. §1119)**

60. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 59 of this Complaint.

61. AutoIntel's use and ownership of the federal registration for the AUTOINTEL & Design Mark is likely to cause confusion, or to cause mistake, or to deceive consumers or potential consumers in violation of 15 U.S.C. § 1114, and have diluted and are likely to continue diluting the famous INTEL mark in violation of 15 U.S.C. § 1125(c).

62. Unless the Court orders cancellation of the United States federal trademark registration for AUTOINTEL & Design Mark (Reg. No. 3070278) pursuant to 15 U.S.C. § 1119, Intel will continue to suffer further injury and damage to its rights.

**PRAYER FOR RELIEF**

WHEREFORE, Intel prays for relief as follows:

1. Entry of an order and judgment requiring that AutoIntel and its officers, agents, servants, employees, owners and representatives, and all other persons, firms or corporations in active concert or participation with it, be enjoined and restrained from (a) using in any manner the INTEL mark, or any name, mark or domain name that wholly incorporates the INTEL mark or is confusingly similar to or a colorable imitation of this mark, including, without limitation, any trade name, trademark, and service mark incorporating the term "AUTOINTEL;" (b) doing any act or thing calculated or likely to cause confusion or mistake in the minds of members of the public, or prospective customers of Intel's products or services, as to the source of the products or services offered for sale, distributed, or sold, or likely to deceive members of the public, or prospective customers, into believing that there is some connection between AutoIntel and Intel; and (c) committing any acts which will blur or dilute, or likely to blur or dilute the distinctive quality of the famous INTEL mark;

1           2.       A judgment ordering AutoIntel, pursuant to 15 U.S.C. § 1116(a), to file with this Court  
2 and serve upon Intel within thirty (30) days after entry of the injunction, a report in writing under oath  
3 setting forth in detail the manner and form in which AutoIntel has complied with the injunction, ceased  
4 all sales of goods and services under the AUTOINTEL trade name and trademark as set forth above;

5           3.       A judgment ordering AutoIntel, pursuant to 15 U.S.C. § 1118, to deliver up for  
6 destruction, or to show proof of said destruction or sufficient modification to eliminate the infringing  
7 matter, all articles, packages, wrappers, products, displays, labels, signs, vehicle displays or signs,  
8 circulars, kits, packaging, letterhead, business cards, promotional items, clothing, literature, sales aids,  
9 receptacles or other matter in the possession, custody, or under the control of AutoIntel or its agents  
10 bearing the trademark INTEL in any manner, or any mark that is confusingly similar to or a colorable  
11 imitation of this mark, including without limitation the AUTOINTEL trade name and trademark, both  
12 alone and in combination with other words or terms;

13           4.       A judgment ordering AutoIntel to take all steps necessary to cancel the domain name  
14 www.autointel.com and to remove all references to the AUTOINTEL trade name and service mark  
15 from all of its other websites, if any;

16           5.       A judgment exercising this Court's power pursuant to 15 U.S.C. § 1119 ordering the  
17 Commissioner of Patents and Trademarks to cancel the registration of AutoIntel's U.S. Trademark  
18 Registration No. 3070278.

19           6.       A judgment in the amount of Intel's actual damages, AutoIntel's profits, Intel's  
20 reasonable attorneys' fees and costs of suit, and pre-judgment interest pursuant to 15 U.S.C. §1117;

21           7.       A judgment for enhanced damages under 15 U.S.C. §1117 and punitive damages under  
22 state law as appropriate;

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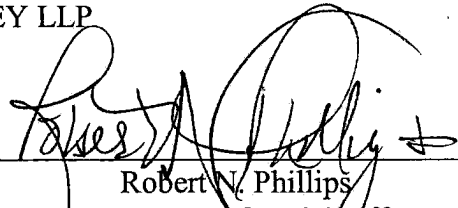
1  
2 8. A judgment granting Intel such other and further relief as the Court deems just and  
3 proper.

4 Dated: October 3, 2008

5 Respectfully submitted,

6 HOWREY LLP

7  
8 By:

  
Robert N. Phillips  
Attorneys for Plaintiff  
INTEL CORPORATION

**JURY DEMAND**

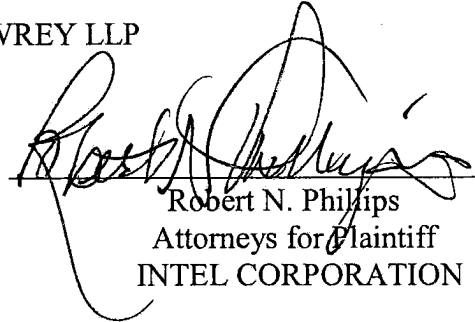
Intel hereby requests a trial by jury.

Dated: October 3, 2008

Respectfully submitted,

HOWREY LLP

By:



Robert N. Phillips  
Attorneys for Plaintiff  
INTEL CORPORATION



**CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: October 3, 2008

Respectfully submitted,

HOWREY LLP

By: 

Robert N. Phillips  
Attorneys for Plaintiff  
INTEL CORPORATION